



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
VIRGINIA ELECTRIC AND POWER COMPANY
FOR
THE DOMINION LADYSMITH COMBUSTION TURBINE STATION
Registration No. 40960**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Virginia Electric and Power Company, regarding the Dominion Ladysmith Combustion Turbine Station, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Dominion" means Virginia Electric and Power Company, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Virginia Electric and Power Company is a "person" within the meaning of Va. Code § 10.1-1300.
5. "Facility" means the Dominion Ladysmith Combustion Turbine Station located at 8063 Cedon Road in Woodford, Virginia.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "PCE" means a partial compliance evaluation by DEQ staff.
10. "Permit" means a Title V permit to operate an electric generating facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Virginia Electric and Power Company on April 14, 2016 as amended on November 22, 2016.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Dominion owns and operates the Facility in Woodford, Virginia which is located in Caroline County, Virginia. The Facility is a combustion turbine station. The Facility is currently the subject of the Title V Permit which allows Dominion to operate an electric generating facility.
2. On March 12, 2021, Department staff received a Calendar Year 2020 (CY2020) Annual Update and Emissions Statement for the Facility. A PCE of this information was conducted. As a result of this PCE, Department Staff requested additional information from Dominion. Department staff made the following observations based on the CY

2020 Annual Update and Emissions Statement and supplemental information provided by Dominion on May 4, 2021:

- a. Dominion reported combined volatile organic compound (VOC) emissions from operations of emission Units 1 through 5 as 11.87 tons per year, with 12 month rolling VOC exceedances from September 2020 through February 2021.
 - b. Dominion reported Facility wide VOC emissions from the combined operations of all fuel burning equipment as 12.25 tons per year from the previously reported 12.25 tons per year, with 12 month rolling VOC exceedances from September 2020 through February 2021.
3. Department Staff issued a Notice of Violation (NOV) to Dominion on May 24, 2021. On June 22, 2021, Dominion submitted a response to the NOV which stated that the VOC emissions data contained in the CY2020 Emissions Statement for the pipeline gas heaters had been incorrectly reported. The response noted that the revised calculations brought Facility wide VOC emissions for CY2020 down to 11.9 tons per year from the previously reported 12.25 tons per year, with 12 month rolling VOC exceedances from September 2020 through December 2020.
4. Condition 28 of the Permit states in relevant part that: Annual emission limits: a. Combined emissions from the operation of Unit 1, Unit 2, Unit 3, Unit 4, and Unit 5 shall not exceed the limits specified below: Volatile Organic Compounds (VOC) 11.5 tons/yr; c. SO₂, CO, PM-10, and VOCs emission rate calculations for Unit 1, Unit 2, Unit 3, Unit 4, and Unit 5 shall be calculated monthly as the sum of each consecutive twelve-month period. Compliance for the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months. (9 VAC 5-20-180 J, 9 VAC 5-50-20 E, 9 VAC 5-80-490F, and Condition 32 of the 08/18/15 NSR Permit).
5. Condition 29 of the Permit states in relevant part that: Annual Emission Limits - Facility wide: a. Total emissions from the combined operation of all the fuel burning equipment (Units 1-5, PH-3 & 4, and EDG1 through EDG3) at the Ladysmith Combustion Turbine Station shall not exceed the limits specified below: Volatile Organic Compounds (VOC) 11.8 tons/yr. The total facility wide annual emissions shall be calculated monthly as the sum of each consecutive twelve-month period. Compliance for the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months. (9 VAC 5-80-490B & C and Condition 33 of the 08/18/15 NSR Permit).
6. On May 24, 2021, based on the data submitted to DEQ on the CY2020 Annual Update and Emissions Statement, the Department issued Notice of Violation No. ANRO001867 to Dominion for the violations described in paragraphs C(2) through C(5), above.

7. Based on submission of the CY2020 Annual Update and additional documentation submitted by Dominion to DEQ on June 22, 2021, the Board concludes that Dominion has violated Conditions 28 and 29 described in paragraphs C(2) through C(5), above.
8. In its June 22, 2021 response, Dominion noted that it had taken corrective action to ensure future compliance by updating its process and procedure for monthly emissions data evaluation, and by training staff in these procedures.
9. Condition 90 of the Permit states in relevant part that: The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include: ... b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to: (1) Exceedance of emissions limitations or operational restrictions; (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or, (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
10. Condition 91 of the Permit states in relevant part that: Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices.
11. On July 6, 2021, Dominion submitted a revised Deviation and Monitoring Report (required by Permit Condition 90) for July 1 through December 31, 2020 and a revised Title V Annual Compliance Certification (required by Permit Condition 91) for 2020 to include the violations in paragraph C.7.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Virginia Electric and Power Company, and Virginia Electric and Power Company agrees to pay a civil charge of \$14,075.60 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104

Richmond, Virginia 23218

Virginia Electric and Power Company shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Virginia Electric and Power Company shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Virginia Electric and Power Company for good cause shown by Virginia Electric and Power Company or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Virginia Electric and Power Company admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Virginia Electric and Power Company consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Virginia Electric and Power Company, declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Virginia Electric and Power Company to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Virginia Electric and Power Company shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Virginia Electric and Power Company shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Virginia Electric and Power Company shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

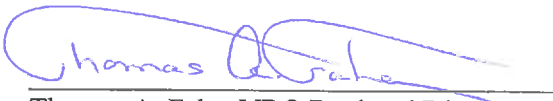
9. This Order is binding on the parties hereto and any successors in interest, designees, and assigns, jointly, and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Virginia Electric and Power Company. Nevertheless, Virginia Electric and Power Company agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Virginia Electric and Power Company has completed all of the requirements of the Order;
 - b. Virginia Electric and Power Company petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Virginia Electric and Power Company.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Virginia Electric and Power Company from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Virginia Electric and Power Company and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Virginia Electric and Power Company certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Virginia Electric and Power Company to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Virginia Electric and Power Company.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Virginia Electric and Power Company voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 9th day of September, 2021.

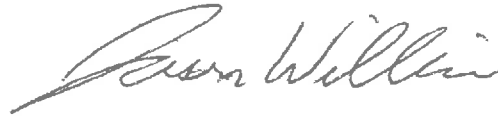

Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

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Virginia Electric and Power Company voluntarily agrees to the issuance of this Order.

Date: 9/9/2021 By: Jason E. Williams VP- Environmental
(Person) (Title)
[Virginia Electric and Power Company]

Commonwealth of Virginia
City/County of _____



The foregoing document was signed and acknowledged before me this 9th day of
Sept., 2021, by Jason Williams who is
Vice President of Virginia Electric and Power Company, on behalf of the
corporation.

Angela B. Fitzgerald
Notary Public

7022016

Registration No.

ANGELA B. FITZGERALD
NOTARY PUBLIC
REGISTRATION # 7022016
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MARCH 31, 2022

My commission expires: 3/31/2022

Notary seal: